

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ALLSTATE INSURANCE COMPANY, *et al.*,

Civil Action No. 1:17-cv-04275

Plaintiffs,

- against -

**DECLARATION OF NICHOLAS BOWERS,**  
**ESQ.**

ARTUR AVETISYAN, *et al.*,

Defendants.

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Nicholas Bowers, Esq., declares, pursuant to 28 U.S.C. § 1946, and represents as follows to be true under penalties of perjury:

1. I am an associate attorney with the firm Gary Tsirelman, P.C., attorneys for Top Q, Inc., *inter alia*, in the above-named suit, and I am fully familiar with all the facts and circumstances in this matter.
2. I submit this declaration on behalf of myself and in support of Defendants Top Q, Inc., and in opposition to Plaintiffs' motion for a temporary restraining order and order temporarily staying all No-Fault collection proceedings pending between Top Q, Inc., and Allstate Insurance Company.
3. Exhibit "1" annexed hereto is a true and correct copy of the Plaintiffs-Appellants' Brief and Special Appendix submitted by plaintiffs to the Second Circuit Court of Appeals upon which, in part, the Second Circuit based its decision in *Allstate Ins. Co. v. Harvey Family Chiropractic*, 677 F. App'x 716, 718 (2d Cir. 2017) (summary order).
4. Exhibit "2" annexed hereto is a true and correct copy of the Defendants-Appellees' Brief submitted by defendants in the *Harvey* case to the Second Circuit Court of Appeals upon

which, in part, the Second Circuit based its decision in *Allstate Ins. Co. v. Harvey Family Chiropractic*, 677 F. App'x 716, 718 (2d Cir. 2017) (summary order).

5. Exhibit "3" annexed hereto is a true and correct copy of the Plaintiffs-Appellants' Reply Brief submitted by plaintiffs to the Second Circuit Court of Appeals upon which, in part, the Second Circuit based its decision in *Allstate Ins. Co. v. Harvey Family Chiropractic*, 677 F. App'x 716, 718 (2d Cir. 2017) (summary order).

#### **DECLARATION**

6. I declare under penalties of perjury that the foregoing is true and correct.

**WHEREFORE**, Defendants respectfully request that Plaintiffs' motion for a temporary restraining order and order temporarily staying all No-Fault collection proceedings pending between Top Q, Inc., and Allstate Insurance Company be denied in its entirety.

Dated: Brooklyn, New York  
July 27, 2018

By: \_\_\_\_\_/s/\_\_\_\_\_  
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